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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/804,365

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Shoa-Kai Liu

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12/27/2004

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EXAMINER

CHANG, RICHARD

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/804,365	Applicant(s) LIU ET AL.	
	Examiner Richard Chang	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/18/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/18/2002</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent No. 5, 757,768 ("Goto et al.").

Regarding claim 1, Goto et al. teach a method for traffic control in synchronous optical networks in the event of a node or line failures (in a network subject to a previous failure and a subsequent failure, a method for restoring the network) (See Fig. 2, Col 1, lines 9-13) comprising of

overcoming a first line failure (previous failure, see Fig. 5A, cut 14) using a first protection-switching loop (first protection scheme; see Fig. 3, loop including 12, 6A/6B, 7A/7B, 13; Col. 5, lines 28-33),

recognizing (detecting) a second node failure (subsequent failure, see Fig. 3, cut 11) has occurred (See Fig. 3, step 205, Col 4, lines 49-53),

determining proper actions to take for the detected failures by consulting with the ring topology map and the squelch table (the previous failure can be overcome ...; and

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the subsequent failure can be overcome ... protection scheme) (See Fig. 2, Col 4, lines 33-41),

applying a second protection switching loop (second protection scheme; see Fig. 5A, loop including 16, 6A/6B, 7A/7B, 8A/8B, 15; Col. 6, lines 49-56) to overcome a first line failure (previous failure, see Fig. 5A, cut 14) , and

applying a first protection switching loop (first protection scheme; see Fig. 3, loop including 12, 6A/6B, 7A/7B, 13; Col. 5, lines 28-33) to overcome a second node failure (subsequent failure, see Fig. 3, cut 11).

Regarding claim 2, Goto et al. further teach the step which determines an appropriate action to take by analyzing the subsequent failure and consulting with the ring map and the tributary table (determining that the first protection scheme is unable ... overcoming the previous failure) (See Fig. 2, Step 205, Col 5, lines 41-45).

Regarding claims 4-5, Goto et al. further teach the time steps in determining that the previous failure can be overcome by using the protection switching at the enclosing nodes of the span for the line failure (second protection scheme) is based on the type of failures, either the line failure or the node failure (module failure) (See Fig. 4, Col 5, lines 23-27).

Regarding claims 6-7, Goto et al. further teach the time steps in determining that the subsequent failure can be overcome by using the protection switching at adjacent nodes of the node for the node failure (first protection scheme) is based on the type of failures, either the line failure or the node failure (module failure) (See Fig. 6, Col 6, lines 59-67).

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Allowable Subject Matter

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Chang
Patent Examiner
Art Unit 2663

RKC
rkC

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